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RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

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|---------------------------------|---|------------------------------|
| IN THE MATTER OF THE LICENSE OF | : | |
| | : | <u>Administrative Action</u> |
| | : | |
| GERALD M. BUCHOFF, B.V.Sc.A.H. | : | CONSENT ORDER |
| | : | |
| | : | |
| TO PRACTICE VETERINARY MEDICINE | : | |
| IN THE STATE OF NEW JERSEY | : | |

This matter was opened by the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint filed by G.V. following her visit with her pet to respondent Gerald M. Buchoff, B.V.Sc.A.H. In her complaint to the Board, Ms. V. alleged that the respondent engaged in professional misconduct, among other contentions, in his treatment of her dog "Cleo," then a five year-old Rottweiler, on April 14, 2005.

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Cleo was originally scheduled for an appointment with Dr. Buchoff in February 2005 regarding lameness in the dog's front leg. This appointment was cancelled. The owner later discovered lumps on Cleo's legs and had her examined by two veterinarians. The dog was eventually diagnosed with lymphoma.

Cleo was then presented to Dr. Buchoff on April 14, 2005. The owner acknowledges that she and her family were desperate and were searching for a miracle for Cleo. Following his examination of the dog, the respondent prescribed a holistic plan of care for the dog, including daily therapeutic brushing, supplements and the administration of a chiropractic adjustment. The owner maintains that the respondent gave her false hope as to improvements in Cleo's health and assured her the dog would improve shortly. Seven days after Cleo's visit to Dr. Buchoff, Ms. V. opted for euthanasia due to her grave condition.

In addition to a written response to the Board dated May 24, 2005, Dr. Buchoff appeared at an investigative inquiry before the Board on November 30, 2005. In both responses, the respondent maintained that he neither engaged in professional misconduct and/or false/misleading advertising in relation to his care of Cleo. The respondent advised that he was aware that Cleo had been recently diagnosed with lymphoma and that he knew that the owner was coming to him "as somewhat of a last resort, given the gravity of the situation." Dr. Buchoff conceded as noted in his

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patient records that he advised the owner that "holistic medicine [was] the only type of medicine that offers any chance of a cure." Further, the respondent maintained that the purpose of his course of treatment was to attempt to re-balance Cleo's body and "hopefully" restore some of her health by addressing her joint issues and low energy level. Dr. Buchoff contended that he did not convey to the owner that he would cure Cleo of her ailments, only that "holistic medicine could offer a chance to improve Cleo's disease," and he contended it was not a cause of Cleo's subsequent passing away.

The Board, following its review of the patient record and other relevant documents in this matter, has determined that the veterinary medical services provided by Dr. Buchoff did not deviate from acceptable veterinary medical standards of care to warrant disciplinary action. However, the Board concluded that Dr. Buchoff violated or failed to comply with its patient record regulation, N.J.A.C. 13:44-4.9, in that his medical records for Cleo do not contain information required by the regulations.

Specifically, the Board noted that the records maintained by Dr. Buchoff failed to contain the following information, including, but not limited to: 1) the identification of the treating licensee and the veterinary facility; 2) a history of the presenting problem; 3) all pertinent symptoms and

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signs observed, such as physical examination findings noted; and 4) conclusions and/or diagnosis; and 5) such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response, for example: notations of the telephone calls and/or conversations with the owner. This conduct constitutes a violation of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:44-4.9, and therefore establishes a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

ACCORDINGLY, IT IS ON THIS 19th DAY OF
JULY 2010, ORDERED that:

1. The respondent Gerald M. Buchoff, B.V.Sc.A.H., shall cease and desist from further violations of the patient record rule, N.J.A.C. 13:44-4.9.

2. Dr. Buchoff is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of \$2,000.00 for his failure to comply with N.J.A.C. 13:44-4.9. Such a penalty shall be paid by certified check or money order made payable to

the State Board of Veterinary Medical Examiners and forwarded to Leslie G. Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101, contemporaneously with the entry of this Order.


In the alternative, the respondent may pay the civil penalty, totaling \$2,000.00 in equal installments of \$200.00 for a total ten (10) months. The first payment shall be paid simultaneously with submission of this Order with subsequent payments due on the fifteenth of each month thereafter until the total amount is paid in full.

3. Failure on the part of the respondent to pay the civil penalty timely or to comply with any of the terms of this Consent Order would constitute a violation of the Order, proof of which would constitute grounds for disciplinary action by the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.,
President

I have read and understood the within
Consent Order and agree to be bound
by its terms. Consent is hereby given
to the Board to enter this Order.



GERALD M. BUCHOFF, B.V.Sc.A.H.

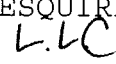

7-2-10

DATED:

Consent as to form and entry.



DEBORAH A. CMIELEWSKI, ESQUIRE

~~WolfBlock~~ Brach Eichler  

Attorney for Respondent Gerald M. Buchoff, B.V.Sc.A.H.

7/7/10

DATED: